

// A special meeting of the Council of the City of Lynchburg, recessed from February 10, was held on the 24th day of February, 2004, at 1:00 P.M., in the Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Mr. Gary Case, a member of the Sign Committee, along with City Planner Tom Martin presented an overview regarding proposed changes to the City's sign ordinance. Mr. Case stated that the Committee discussed at length the need to have order, consistency, and elimination of clutter in sign design and scale, while ensuring that businesses could adequately advertise. Mr. Case went on to say that numerous compromises were made amongst Committee members to balance aesthetic and business needs. Several Council Members stated that they would like more time to receive comments from the business community regarding the proposed changes. City Manager Kimball Payne explained that budget meetings have been scheduled for every Tuesday in March and April and that City Council might want to consider conducting a separate work session regarding the proposed changes to the sign ordinance. Following discussion, City Council agreed to conduct a work session regarding the sign ordinance on Wednesday, March 31, at 1:00 p.m. City Council also asked that written comments be forwarded to the Planning Department prior to the March 31 work session. Mr. Payne noted that following the work session, a public hearing would be scheduled for the May 11 Council meeting.

// Mr. Paul Cumiskey, of P. J. Sun, LLC, presented an overview regarding the February 2004 Water and Sewer Rate Study, noting that the proposed rate adjustments would result in composite monthly water and sewer bill increases of approximately 4% for most customers. Mr. Cumiskey explained that the rate adjustments are designed to provide sufficient revenues in the Water and Sewer Funds to cover FY 2005 operating expenses and to meet the debt coverage and fund balance targets established by City Council. Following discussion, it was noted that a public hearing regarding these proposed water and sewer rate increases would be scheduled for the March 9 meeting.

// Utilities Engineer Steve Shenk presented an overview regarding a proposed new program that would enable industrial and commercial customers to apply for relief from the standard sewer rates for water not returned to the sewer system for treatment. Mr. Shenk recommended that The Sewer Bill Adjustment Program become effective on April 1, 2004, and noted that this item is scheduled for formal adoption at the March 9 meeting.

// Legislative Liaison Linda McMinimy provided an update regarding various bills before the 2004 General Assembly, focusing on legislation that would have an impact on Lynchburg.

// Waste Management Director Dave Owen provided an update regarding the City's recycling program, including an overview regarding the recommendations being offered by staff. Mr. Owen explained that the City has been and would continue to explore opportunities for decreased cost and enhanced revenue by partnering with neighboring localities. Following the presentation and discussion, and on motion of

Council Member Adams, seconded by Council Member Garber, Council by the following recorded vote agreed to eliminate the collection of glass from recycling sites, add corrugated (boxes) materials to the recycling program, and use a baler (horizontal) to compact plastics from recycling sites effective October 1, 2004:

Ayes: Adams, Barksdale, Foster, Garber, Seiffert, Hutcherson

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Noes: Dodson

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// City Attorney Walter Erwin provided an overview regarding a proposed change to the City Code to require dumpsters on residential construction sites. Mr. Erwin explained that staff was directed to draft the ordinance in response to a citizen concern regarding trash blowing onto her property from construction sites in the Beacon Hill Subdivision. Council Member Adams questioned whether requiring dumpsters on residential construction sites would change the behavior of the workers and therefore eliminate the problem and suggested that the burden should be placed on the general contractor to see that trash is contained on site. Council Member Seiffert suggested changing the ordinance to require receptacles rather than dumpsters. In response to Council questioning, City Attorney Erwin explained that City inspectors have difficulty in trying to identify the origin of trash once it has blown off site. City Council asked that the ordinance be redrafted and scheduled for further discussion at the March work session. City Council also asked that staff from the Inspections Department be invited to the March work session to speak to the enforcement issue.

// Deputy City Manager Bonnie Svrcek presented additional information regarding the National Citizen Survey, a tool that the City Administration and City Council could use to measure service performance, assess community needs, and make long-range, short-range and strategic plans. In response to Council questioning, Deputy City Manager Svrcek stated that it is proposed that the survey be conducted every two years in time for the results to be available for City Council's annual retreat in August. Council Member Adams stated the he would support the survey on the condition that it is sent to City residents only, not County residents with Lynchburg addresses. Deputy City Manager Svrcek assured City Council that every effort would be made to ensure that the survey is sent to City residents only. On motion of Council Member Adams, seconded by Vice Mayor Dodson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-04-019, appropriating \$11,350 to conduct The National Citizen Survey:

Ayes: Adams, Barksdale, Dodson, Foster, Seiffert, Hutcherson

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Noes: Garber

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// During roll call, and in response to Council Member Foster's question, Deputy City Manager Bonnie Svrcek stated that the Greater Lynchburg Transit Company (GLTC) is proposing to discontinue night bus service effective April 1. Council Member Foster expressed concern regarding the impact this action would have on the disabled as well as other citizens within the community who rely on bus transportation as their means of transport to and from their places of employment. Council Member Foster also expressed concern regarding recent statements that it is dangerous to transfer from one bus to another

bus at the Plaza at night. Council Member Foster also suggested that a letter be forwarded to the owners of the Plaza inquiring about their plans for the facility. Council Member Adams informed of a citizen concern regarding the Animal Warden's refusal to respond to a barking dog complaint. In response to Council Member Seiffert's question, City Manager Kimball Payne stated that the City Code requires that addresses be visible on all buildings. Vice Mayor Dodson asked that the worn banners at the Kemper Street Station be replaced, and that City Council be provided an update regarding the impact of the new trash system on the City's Workers Compensation claims. In response to an inquiry by City Manager Payne, City Council voiced no objection to sending a letter in support for HB1182 which would designate the Lynchburg Bypass Bridge across the James River between Amherst County and the City of Lynchburg as the "Monacan Bridge."

// The meeting was adjourned at 4:50 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of February, 2004, at 5:00 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Foster gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the February 10, 2004 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, Resolution #R-04-011 amending the FY 2004 General Fund Budget and appropriating \$5,500 for the purpose of compliance with the City's federal stormwater permit, laid over from the February 10, 2004 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire Department - General, Resolution #R-04-012 amending the FY 2004 City/Federal/State Aid Projects Budget and appropriating \$15,780, with \$12,890 reimbursement, to purchase two (2) Zoll "M" Series bi-phasic manual monitor/defibrillators, laid over from the February 10, 2004 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Economic Development - General, Resolution #R-04-013 amending the FY 2004 General Fund Budget and appropriating \$50,000, fully reimbursable, for the expansion of R.R. Donnelley and Sons Company, laid over from the February 10, 2004 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, Resolution #R-04-016 amending the FY 04 Sewer Capital Projects Fund Budget, and appropriating \$5,145,000, with resources from additional long-term debt based on increased borrowing capacity resulting from the recent VRLF refinancing of existing debt, for additional Combined Sewer Overflow (CSO) Control Projects, laid over from the February 10, 2004 meeting, was

again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Sewer, City Council Report #6 was considered. On motion of Council Member Barksdale, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-04-020, as presented, authorizing the City Manager to execute a contract with Counts and Dobyns, in the amount of \$607,000, to construct the Combined Sewer Overflow Project entitled "Pigeon Creek Interceptor Phase II-B" located along Pigeon Creek between VES Road and Trents Ferry Road:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// Mayor Hutcherson announced that the City of Lynchburg has been recognized by the Jubilee Family Development Center for outstanding support and contributions to the Jubilee Occupational Outreach Program.

// Mayor Hutcherson announced that Agenda Item #7 has been removed from the agenda at the request of the group representative.

// In the matter of Community Planning - General, City Council Report #8 was considered. Mr. Greg Starbuck, Executive Director of Historic Sandusky, outlined the request and asked for approval. On motion of Council Member Foster, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-04-021, as presented, requesting the Commonwealth Transportation Board to establish a project for the Historic Sandusky Foundation, Inc., entitled "Sandusky Historic Site Visitor Center":

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code, City Council Report #9 was considered. City Attorney Walter Erwin outlined the request. On motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-04-022, as presented, amending Sections 10-51 and 10-52 of the City Code relating to the operation of mopeds within the City:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// City Council agreed to allow Mr. Ellis Pritchard to speak regarding a recent decision by the Greater Lynchburg Transit Company (GLTC) to discontinue night bus service. Mr. Pritchard stated that he is representing a group of citizens who are concerned regarding the GLTC proposal to discontinue night bus service. Mr. Pritchard went on to say that the decision would cause a burden to disabled individuals as well as those who rely on the bus service for transportation to and from their places of employment. Mr. Pritchard offered several suggestions in lieu of discontinuing the night bus services. Mayor Hutcherson stated that the suggestions would be forwarded to GLTC.

// On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote elected to hold a closed meeting to discuss the acquisition of real property for a public purpose because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Barksdale made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Adams, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was recessed at 5:35 P.M. to March 9, at 1:00 P.M., to conduct a work session regarding the Proposed FY2005 Budget.

Clerk of Council